

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In Re TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) MDL No. 1570
) ECF Case
)

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

NOTICE OF FILING

PLEASE TAKE NOTICE, that defendant Al Haramain Islamic Foundation, Inc. (U.S.A.) (“AHIF”), is hereby filing with this Court the License issued by the Office of Foreign Assets Control (“OFAC”), U.S. Department of the Treasury (attached hereto as Exhibit 1). Section 2(b) of the License requires that it be submitted to this Court. At present, OFAC has blocked AHIF’s assets pending investigation, but has not designated AHIF.

Respectfully submitted,

/s/ Lynne Bernabei

Lynne Bernabei, Esquire (LB2489)
Alan R. Kabat, Esquire (AK7194)
Bernabei & Katz, PLLC
1773 T Street, N.W.
Washington, D.C. 20009-7139
(202) 745-1942

Attorneys for Defendant
Al Haramain Islamic Foundation, Inc. (U.S.A.) (D56)

DATED: July 27, 2004

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2004, I caused the foregoing to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 (June 16, 2004).

/s/ Alan R. Kabat

Alan R. Kabat



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

JUL 22 2004

LICENSE No. SDGT-343

Blocking Property and Prohibiting Transactions with Persons who Commit, Threaten to Commit, or Support Terrorism

LICENSE

(Granted under the authority of 50 U.S.C. §§ 1701 *et seq.*, 22 U.S.C. § 287c, Executive Orders 12947 and 13224, and 31 C.F.R. Parts 501, 594 and 595.)

TO: Bernabei & Katz, PLLC
1773 T Street, N.W.
Washington, D.C. 20009-7139

Attn: Lynne Bernabei, Esquire

1. Based on letters dated March 10, 2004, May 5, 2004, June 14, 2004, June 23, 2004 and July 8, 2004 from the Firm of Bernabei & Katz, PLLC, on behalf of the Al Haramain Islamic Foundation, Inc. to the Office of Foreign Assets Control (the "Application"), and information otherwise available to the Office of Foreign Assets Control, the transactions and activities delineated on the reverse hereof are hereby authorized.
2. This License is granted upon the statements and representations made in the Application, or otherwise filed with or made to the Treasury Department as a supplement to the Application, and is subject to the condition, among others, that the Licensee(s) comply in all respects with all regulations, rulings, orders and instructions issued by the Secretary of the Treasury under the authority of the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 *et seq.*), the National Emergencies Act (50 U.S.C. §§ 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. § 287c), section 301 of title 3 of the United States Code, Executive Orders 12947 of January 23, 1995 and 13224 of September 23, 2001, and the terms of this License.
3. The Licensee(s) shall furnish and make available for inspection any relevant information, records, or reports requested by the Secretary of the Treasury or any other duly authorized officer or agency.
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Issued by direction and on behalf of the Secretary of the Treasury:

OFFICE OF FOREIGN ASSETS CONTROL

By


R. Richard Newcomb
Director

Attention is directed to 18 U.S.C. § 1001, 50 U.S.C. § 1705 and 31 C.F.R. § 594.701 for provisions relating to penalties.

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SECTION 1 - AUTHORIZATION: (a) Subject to the conditions and limitations set forth herein, the firm of Bernabei & Katz, PLLC (the "Licensee") is hereby authorized to receive payment for legal fees and reimbursement of incurred expenses for the provision of legal services to Al Haramain Islamic Foundation, Inc. ("AHIF") (i) in connection with Burnett, et al. v. Al Baraka Investment & Development Corporation, et al., Case No. 03-CV-09849 (RCC) (S.D.N.Y.), Ashton, et al. v. Al Qaeda, et al. Case No. 02-CV-06977 (RCC) (S.D.N.Y.) and cases consolidated under Case No. 03 MDL 1570 (RCC) (S.D.N.Y.), and (ii) in connection with U.S. government investigations related to the blocking of AHIF's assets pending investigation, as described in the Application.

(b) Any transfers of funds through the U.S. financial system pursuant to the authorization set forth above should reference the number of this license to avoid the blocking or rejection of the transfer.

SECTION 2 – CONDITIONS: (a) It is a condition of this License that payments to the Licensee for professional fees and expenses authorized by this License must not originate from a source within the United States or within the possession or control of a U.S. person, including its overseas branches, and must not be made from a blocked account or from other blocked property.

(b) It is a further condition of this License that a copy of this License be submitted to the relevant court or any other decision-making body or forum.

SECTION 3 – WARNING: (a) This License does not authorize the transfer of any blocked property, the debiting of any blocked account, the entry of any judgment or order that effects a transfer of blocked property, or the execution of any judgment against property blocked pursuant to any Executive order or Chapter V of Title 31 of the C.F.R.

(b) Except as expressly authorized by the terms of this License, or otherwise by the Office of Foreign Assets Control, nothing in this License authorizes the receipt of funds or other property, directly or indirectly, from any entity or individual whose property or interests in property are blocked pursuant to any Executive order or Chapter V of Title 31 of the C.F.R.

(c) Nothing in this License authorizes the provision of services or the receipt of fees or reimbursement of expenses other than for the purposes delineated in **SECTION 1**, above.

SECTION 4 - REPORTING REQUIREMENTS: (a) Section 501.601 of the Reporting and Procedures Regulations requires that records on each transaction subject to this License be maintained available for examination for a minimum of five years following the transaction date. See also 31 C.F.R. § 501.605 regarding reports on litigation, arbitration, and dispute resolution proceedings.

(b) In the event of litigation or similar proceedings, the Licensee is required to submit copies of all pleadings, motions, memoranda, exhibits, stipulations, correspondence, and proposed orders or judgments (including any proposed final judgment or default judgment) submitted to the court

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or decision-making body, and of all orders, decisions, opinions, or memoranda issued by the court or decision-making body, to: Chief Counsel's Office, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Annex, Washington, D.C. 20220, within ten days of filing, submission, or issuance.

(c) In the event of litigation or similar proceedings, the Licensee is required to report by immediate telephone call or facsimile transmission to the Chief Counsel's Office, Office of Foreign Assets Control (tel: 202/622-2410; fax: 202/622-1911), the scheduling of any hearing or status conference in legal proceedings whenever it appears that a court or decision-making body may issue an order or judgment or default judgment or is considering or may decide any pending motion dispositive of the merits of an action or of any claim raised in an action.

SECTION 5 - PRECEDENCE: The authorization contained in this License is limited to the facts and circumstances specific to the Application.
